

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

09/17/2002

CLERK OF THE COURT  
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza  
Deputy

LC 2002-000232

FILED: \_\_\_\_\_

STATE OF ARIZONA

SAMUEL K LESLEY

v.

LARRY W MOORE

NEAL C TAYLOR

PHX CITY MUNICIPAL COURT  
REMAND DESK CR-CCC

MINUTE ENTRY

PHOENIX CITY COURT

Cit. No. #8962203

Charge: SOLICITATION OF PROSTITUTION

DOB: 09/19/42

DOC: 05/01/01

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement without oral argument. This decision is made within 30 days as required by Rule 9.8, Maricopa County Superior Court Local Rules of Practice. This Court has considered the record of the

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proceedings from the Phoenix City Court, and the Memoranda submitted by counsel.

The only issue submitted by Appellant is that he was denied his Federal and Arizona Constitutional Rights of Equal Protection when the trial court denied his Motion to Dismiss/ Motion to Compel the prosecution to allow him into a diversion program. Appellant was charged and convicted after a bench trial of Solicitation of Prostitution, a class 1 misdemeanor in violation of A.R.S. Section 23-52(a)(2) of the Phoenix City Code as amended. The trial court denied Appellant's motions and could have easily concluded that the diversion program for prostitutes operated by the City of Phoenix did not deny Appellant his rights of equal protection. It clearly appears that the P.D.P. (Prostitute Diversion Program) was not discriminatory based upon gender. That program is open to male and female prostitutes, or "Johns", such as Appellant. However, that particular program is not available to customers of prostitutes. Clearly, there exists a rational basis for distinguishing within modes of treatment for prostitutes and customers of prostitutes. Each of these very different groups will pose many physically and emotionally different issues to warrant graduation from the diversion program. This Court concurs with the trial judge and finds no equal protection issue or violation.

IT IS THEREFORE ORDERED affirming the Phoenix City Court's order denying Appellant's Motion to Dismiss.

IT IS FURTHER ORDERED affirming the judgment of guilt and sentence imposed by the Phoenix City Court.

IT IS FURTHER ORDERED remanding this case back to the Phoenix City Court for all further and future proceedings in this case.